

TOWN OF WELLESLEY



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ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

2001 JUL 28 A 8:13

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ZBA 2001-53

Petition of Edward W. and Christine S. Goss
12 Upland Road

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, July 26, 2001 at 7:30 p.m. in the Great Hall at the Town Hall, 525 Washington Street, Wellesley, on the petition of EDWARD W. AND CHRISTINE S. GOSS requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that the following construction at their nonconforming dwelling with less than the required left side yard setback at 12 UPLAND ROAD, in a Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure:

1. Enclose and incorporate into the internal structure of the dwelling an existing 8.2 foot by 28.7 foot porch. There will be no change in the footprint.
2. Enclose and incorporate into the internal structure of the dwelling an existing 4.4 foot by 7.8 foot deck. There will be no change in the footprint.
3. Addition of a 4 foot by 4 foot landing.

Both the porches and the landing addition have less than the required left side yard setback.

On July 9, 2001, the petitioners filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Edward and Christine Goss. Mr. Goss said they are asking to enclose an existing porch to expand the kitchen; enclose an existing back porch, which is open, and for which the prior owners received permission in 1999 to enclose, but moved before the construction was begun; and addition of a 4 foot by 4 foot landing, which would make the staircase work better and allow access to a new door into the enclosed porch. They have four children and need more space on the first floor for the kitchen.

The Board noted that the Planning Board commented that the porch is in close proximity to the shared drive and recommended that no second floor be allowed over this portion of the building in the future. The Planning Board was concerned about the creep of the building mass, and if left to consideration by another board in the future, it might be forgotten.

Mr. Goss said they have no intention of adding a second floor. The abutters on both sides support the petition. Neither porch is in very good condition at this time. The back porch would have to be removed because it has rotted. The roof on the screen porch will remain, but the existing footings may have to be reinforced.

No other person present had any comment on the petition.

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Statement of Facts

The subject property is located at 12 Upland Road, in a Single Residence District, on a 10,490 square foot lot, and has a minimum left side yard setback of 10.8 feet.

The petitioners are requesting a Special Permit/Finding that the enclosure of an existing 24.5 foot by 8.2 foot porch with a minimum left side yard setback of 10.8 feet; demolition of an existing 4.4 foot by 7.8 foot deck and construction of a one-story 4.4 foot by 7.8 foot addition with a minimum left side yard setback of 19 feet; and construction of a 4 foot by 4 foot landing with a minimum left side yard setback of 10.8 feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated June 29, 2001, drawn by Carmelo Frazetti, Registered Professional Land Surveyor; Existing and Proposed Floor Plans and Elevations dated June 8, 2001; and photographs were submitted.

On July 24, 2001, the Planning Board reviewed the petition and noted that the porch is in close proximity to the lot line and the common driveway. The Planning Board felt it was important to stipulate now that there should be no second floor over this portion of the building in the future, as it is concerned about the creep of building mass, and that if left to consideration at a future time by another board, it may be forgotten.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that the enclosure and incorporation into the internal structure of the existing 24.5 foot by 8.2 foot one-story porch; the demolition of the existing 4.4 foot by 7.8 foot deck/porch and construction of a one-story addition of the same dimensions and setbacks; and the construction of a 4 foot by 4 foot landing shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure as the porch enclosure and the one-story addition will neither intensify the existing nonconformance nor create additional nonconformity, and the landing is far less nonconforming than the existing structure.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for enclosure and incorporation of the left side porch; demolition of the rear porch and construction of a one-story addition with the same dimensions; and construction of a 4 foot by 4 foot landing in accordance with the submitted plot plan and construction drawings, subject to the condition that at no time in the future shall a second floor be added above the left side porch to be enclosed or the new one-story addition.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

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12 Upland Road

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN
THE OFFICE OF THE TOWN CLERK.

Cc: Planning Board
Inspector of Buildings
edg

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Kendall P. Bates

Kendall P. Bates, Chairman

Cynthia S. Hibbard

Cynthia S. Hibbard

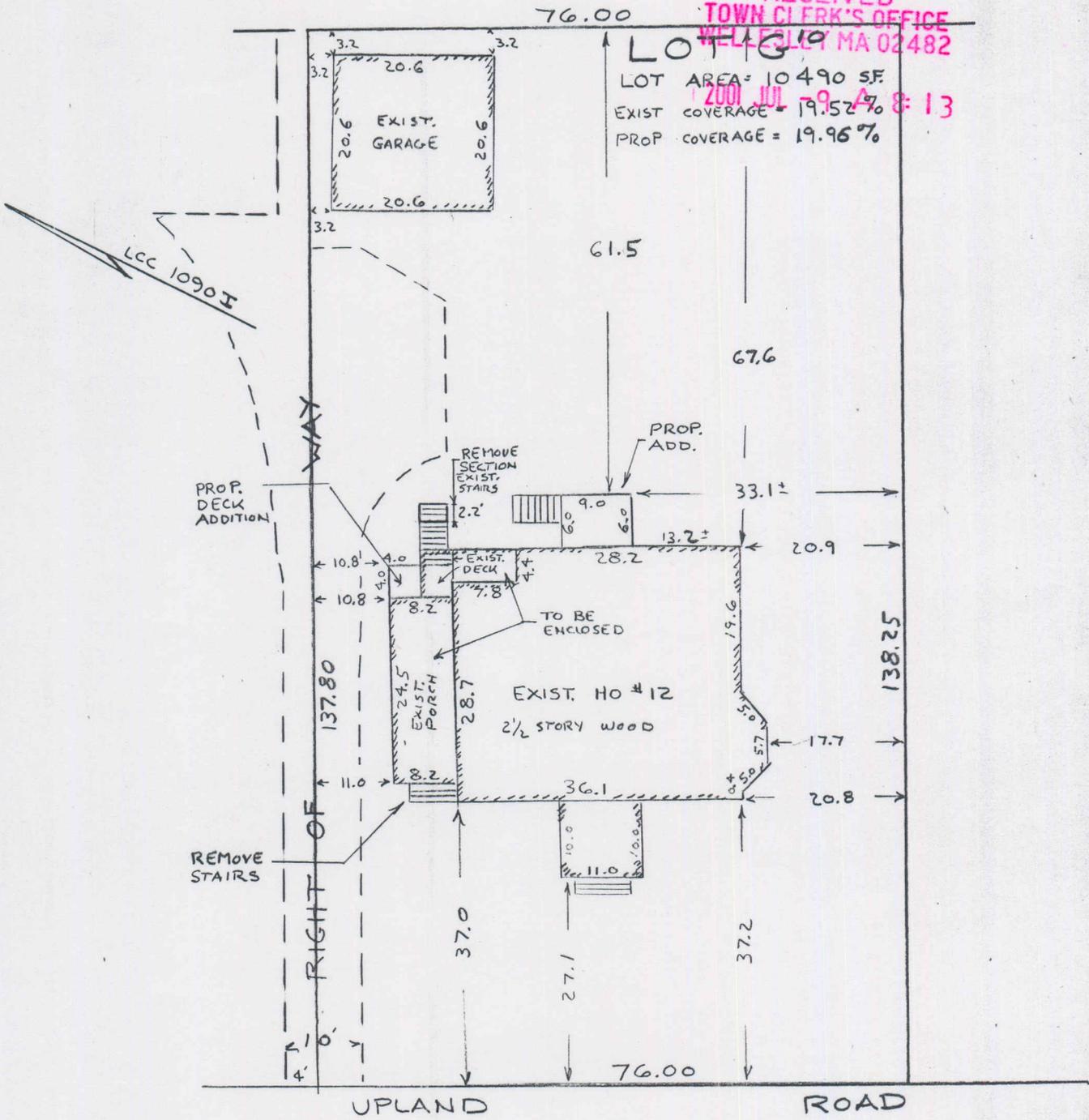
Robert W. Levy

Robert W. Levy

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LOT AREA = 10490 SF
EXIST. COVERAGE = 19.52%
PROP. COVERAGE = 19.96%



PLAN OF LAND
WELLESLEY, MASS.

SCALE: 1 IN = 20 FT
JUNE 29, 2001

CHENEY ENG CO., INC.
DOVER, MASS.



Carmelo Frazzetti